

The Utah Department of Transportation (UDOT)
Disadvantaged Business Enterprise (DBE) Program

49 CFR Part 26
PROPOSED DBE Goal Setting Calculations for FY 2009
FEDERAL HIGHWAY ADMINISTRATION (FHWA)

9.0 % Overall DBE Goal

(0.0% Race Conscious DBE Goal)
(9.0% Race Neutral DBE Goal)

Effective Date – October 1, 2008

FEDERAL HIGHWAY ADMINISTRATION (FHWA)

UDOT DBE GOAL SETTING FOR FEDERAL FISCAL YEAR 2009 (October 1, 2008 to September 30, 2009)

Overall Goal (49 CFR 26.45)

This is the Annual Update for the Federal Fiscal year 2009 (The "amount," "method," and "breakout" portions of this section of the program shall be updated annually).

Proposed Goal

UDOT's proposed overall goal for FY2009 is **9.0%** of the Federal Highway Administration's (FHWA) financial assistance that will be expended on United States Department of Transportation (DOT)–assisted contracts.

Dollar Amount of FHWA Goal

The amount of FHWA-assisted contracts UDOT expects to let during FY2009 is approximately **\$324,831,954**.

A modified overall DBE goal of **9.0%** will be established on FHWA assisted contracts resulting in an expected DBE participation of **\$29,234,875**. (**\$324,831,954 x 9.0%**).

Data Sources

Work Classifications:

Forty three (43) work classifications have been determined for DBE goal setting and potential DBE participation by UDOT from the bid items of the contracts, by the types of equipment needed to perform the work classifications, and the natural divisions in the contractors and/or subcontractors that perform the work classifications. A subcontractor work classification unit is defined as one contractor being listed in one subcontractor work classification. For example, a contractor who performs work in two (2) work classifications yields two (2) work classification units.

UDOT has used three (3) data sources for the 2009 DBE goal setting:

1. UDOT's Bidders List

Population (Prime bidders and quoting subcontractors): The population that has been used to develop the *Bidders List* consists of prime bidders and quoting subcontractors bidding on UDOT federally assisted projects from October 1, 2006 – September 30, 2007. The *Bidders List* includes Utah residence firms, out of state firms, and DBEs firms who were **successful and unsuccessful**. UDOT has determined that all firms on the *Bidders List* are *ready willing and able* to perform in the work classifications. **Work classifications** were identified on each firm bidding/quoting.

See Appendix A – Relative Availability of DBE Firms

2. UDOT's Project Development Business System (PDBS)

PDBS is an integrated computer system that was initially implemented during FY2000. The system includes construction project information for a part of 1997, and forward to today's current projects. This goal setting process uses the most current information for 2005, 2006 and 2007. PDBS identifies information about contracts and subcontracts that have been awarded, bidding participation by prime contractors and subcontractors, and dollar amounts paid on project items. The use of PDBS information insures a more accurate representation for UDOT's DBE goal setting process.

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UDOT's 2007 Expenditures for Federal aid projects

Enhancements to PDBS implemented in 2004 allow the automation of the process to determine expenditures on federal aid projects within the defined work classifications. The dollar amounts paid on the individual project items in Federal Fiscal year 2007 have been accumulated into the work classifications. The accumulated dollar amounts are then used to calculate the percent of work available in each of the 43 work classifications.

3. UDOT's 2005 and 2006 Expenditures for Federal aid projects

Percentages of work available for 2005 and 2006, as previously submitted to FHWA in the 'Proposed DBE Goal Setting Calculations for FY 2008', and the 2007 percentage of work available, calculated as outlined above, were used in the calculation of the three-year average percent of work available for each of the 43 work classifications.

See Appendix B – Actual Federal Amount Paid by Work Classification

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METHODOLOGY

Step One – Base Figure

Example 2 was used [see 49 CFR 26.45(c)] which states: *Use a bidders list. Determine the number of DBEs that have bid or quoted on your DOT-assisted prime contracts or subcontracts in the previous year. Determine the number of all businesses that have bid or quoted on prime or subcontracts in the same time period. Divide the number of DBE bidders and quoters by the number for all businesses to derive a base figure for the relative availability of DBEs in your market).*

From the Bidders List, a Base Figure was determined by dividing the number of DBEs bidding/quoting by the number of all businesses bidding/quoting. This base figure is simply the absolute raw data submitted by Contractors with their bids. Additional steps are taken to define the accuracy of this base figure and are explained below. Once the review, analysis, and weighted calculations are completed, an accurate Step One Base Figure is determined for the DBE Goal Setting Process.

352 firms were identified from the bidders list in 43 selected work classifications. Out of the 352 firms on the bidders list, 52 were identified as **DBE** firms. This is the raw data from the Bidder's List as submitted with bids.

Relative Availability of DBE firms is calculated to be 14.8 %. The DBE firms garnered 16.43% of contracts during FY07 and are expected to surpass the percentage in FY08. If DBE's were expected to be awarded the percentage of work, as DBE's are of the general population, UDOT would expect to award 14.8 % ($52/352=14.8\%$) of the work to the DBE firms. DBE firms exceeded expectations and acquired more contracts than anticipated during FY07 and FY08.

Step One – Weighted Calculations

Relative Availability Calculations
Work Classification Calculations
Relative Federal Dollar Amount Spent per Work Classification per year

Relative Availability Calculations:

From the Bidders List, it was determined that the corrected DBE firms identified as bidding yield 137 contractor work classification units. The 352 total firms yield 1,267 contractor work classification units. (For example, a contractor who performs work in one work classification would yield 1 work classification unit. Work performed in two (2) work classifications yields two (2) work classification units). Again, this is the raw data as submitted by the Contractor at bid submission, which is collected by the Project Development Business System (PDBS). The information below identifies an average of the number of classifications contractors bid work in.

137 = Total number of DBE bids in work classification units.
On average, DBEs bid work in approximately 2.6 work classifications ($137/52=2.6$)

1,130 = Total number of non-DBE bids in work classification units.
On average, Non-DBE's bid work in approximately 3.8 work classifications ($(1,267-137)/(352-52)=3.76$)

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Work Classification Calculations:

The Relative Availability of DBE Firms (Appendix A) is a summary of construction-related work classifications in which it is anticipated that DBEs may perform. Firms that bid as primes or quoted as subcontractors in more than one work classification are counted in multiple work classifications. A review of the raw data which entails scrutinizing each classification and referring to each project and bid items to validate the contractors have been classified in the correct work classification is accomplished. This step is based on confirming the work classification and the work the company is certified or licensed to perform match. Appendix A presents the filtered relative availability of DBE firms per work classification.

Relative Federal Dollar Amount Spent per Work Classification per Year

The amount of federal funds spent was calculated in each of the work classifications as a percentage of the total amount paid in all classifications with payment dates in Federal Fiscal Year 2005, 2006, and 2007. This information was used as the average bases for determining the relative dollar amount expended in each work classification. Appendix B presents this analysis.

Current Capacity - Capacity for DBEs to perform per work classification

UDOT has calculated the percentage of the firms ready, willing and able to compete for and perform the work in the individual work classifications. UDOT has calculated the percent of funds expended in each of the work classifications. Using the calculations, UDOT has calculated a weighted, relative availability of DBE's in various work classifications, giving more weight to the work classifications in which more money is spent. The Capacity is calculated by multiplying the percent of relative availability of DBE contractors by the relative amount spent in each work classification. Appendix C presents this portion of the analysis.

See [Appendix C - Current Capacity for DBE Performance.](#)

As a result of this analysis, the Step One Base Figure is determined to be 6.92%.

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Step Two – Adjustments

(Adjusts the base figure so that the final overall goal represents the amount of DBE participation expected in the absence of discrimination or its effects.)

Averaging Historical Capacity (what DBE's have done in the past) and Current Data (Calculated Current Capacity)

The DBE participation for the past three years is as follows:

2007: 16.43%, 2006: 6.68% and 2005: 9.56%

The DBE Current Capacity to perform work is 9.17%

The average of the past three-year participation is 10.89%

$(9.17 + 10.89)/2 = 10.0\%$

DBE 2009 Overall Goal = 9.0 %

DBE Race Conscious – Race Neutral Participation:

9.0% Race Neutral:

UDOT and the contractor community has been very successful in meeting the DBE goal through the use of Race Neutral participation. The following table presents the success

Annual Participation

| Year | DBE Goal | DBE Goal Achieved | Race Conscious Achieved | Race Neutral Achieved |
|------|----------|--------------------------------|------------------------------|-------------------------------|
| 2008 | 8.0% | 13.69% \$18.42/\$134.58 mil | 3.80% \$4.33/\$114.03 mil | 68.59% \$14.09/\$20.55 mil |
| 2007 | 8.2% | 16.43% \$28.62/\$174.19 mil | 3.23% \$4.58/\$141.80 mil | 74.4% \$24.04/\$32.28 mil |
| 2006 | 8.3% | 6.68% \$3.94/\$58.98 mil | 4.40% \$2.69/\$61.14 mil | 8.79% \$1.25/\$14.22 mil |

UDOT anticipates meeting the DBE goal through Race Neutral means. UDOT tracking measures in PDBS are established and will be analyzed on a regular basis as each project is advertised to determine whether a Race Conscious goal is necessary in order to achieve the annual goal. The DBE Supportive Services Program will focus on assisting DBE's to strengthen their business practices in order to adjust to a Race Neutral Program. Support Services will also focus on outreach efforts to increase the pool of DBE's in the areas of work identified through a survey for future projects. Training will also be scheduled and conducted to assist DBE's with understanding Contract Manager/General Contractor (CMGC), Design Build, and Alternative Bidding Projects as well as training on specifications. Through these efforts we believe the needs of the DBE's will be met and they will be better prepared to move towards a change in the DBE Program and doing business with the Contractors and UDOT.

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UDOT and Metropolitan Planning Organizations

MPO's and local governments receive FHWA funds for consultant contracts and construction contracts. Local government contracts are administered directly by UDOT and fall under UDOT's goal setting processes, bidding, and project administration procedures; therefore, the MPO's and local governments become subject to UDOT's DBE goal of 9.0%.

Comment Period

UDOT proposed a DBE Goal of 9.0%. The proposed DBE goal was advertised for a 45-day comment period beginning August 14, 2008. The comment period ended September 26, 2008. Public notification includes notification to all major Utah newspapers throughout the state, as well as consultation with the Associated General Contractors Association, DBE Contractors, women and minority Contractors, and minority community organizations.

Comments

No comments received.

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APPENDIX A - RELATIVE AVAILABILITY OF DBE FIRMS

**Relative Availability of DBE Firms
Bidding in Federal Fiscal Year 2007**

| Work Classification | Work Classification Units | | |
|---|---------------------------|-----------|---------|
| | DBE's | All Firms | DBE % |
| 1. Building - Construction | 0 | 0 | .0000 |
| 2. Building - Demolition | 0 | 0 | .0000 |
| 3. Building - Painting | 1 | 3 | 33.3333 |
| 4. Concrete - Curb, Gutter, Flatwork, Inlet Boxes, Etc. | 10 | 58 | 17.2414 |
| 5. Concrete - Structural | 4 | 47 | 8.5106 |
| 6. Construction - Miscellaneous & Incidental | 5 | 39 | 12.8205 |
| 7. Construction - Project Management/Quality Control | 9 | 92 | 9.7826 |
| 8. Consulting Services - Management | 0 | 0 | .0000 |
| 9. Consulting Services - Construction | 0 | 0 | .0000 |
| 10. Demolition | 5 | 44 | 11.3636 |
| 11. Electrical - Lighting, Traffic Signals, Fiber Optics | 6 | 37 | 16.2162 |
| 12. Excavation | 3 | 45 | 6.6667 |
| 13. Fencing | 6 | 45 | 13.3333 |
| 14. General Contractor - Building (B100 License) | 0 | 0 | .0000 |
| 15. General Contractor - Engineering (E100 License) | 0 | 0 | .0000 |
| 16. Grading | 0 | 34 | .0000 |
| 17. Guardrail/Cable Guardrail | 7 | 36 | 19.4444 |
| 18. Intelligent Transportation Systems (ITS) | 0 | 0 | .0000 |
| 19. Landscaping & Erosion Control | 6 | 71 | 8.4507 |
| 20. Mechanical | 0 | 0 | .0000 |
| 21. Painting - Highway Striping & Painted Messages | 2 | 23 | 8.6957 |
| 22. Painting - Highway Structures | 0 | 5 | .0000 |
| 23. Paving - Asphalt, Large Quantity/Hi Tech, Highway, Runway, Etc. | 2 | 38 | 5.2632 |
| 24. Paving - Concrete | 1 | 11 | 9.0909 |
| 25. Paving - Miscellaneous | 3 | 29 | 10.3448 |
| 26. Paving - Rotomilling | 1 | 11 | 9.0909 |
| 27. Pipe Culverts, Drainage, Sewer & Water | 11 | 78 | 14.1026 |
| 28. Planning - Transportation | 0 | 0 | .0000 |
| 29. Reconstruction | 5 | 24 | 20.8333 |
| 30. Rental & Sales - Equipment | 0 | 0 | .0000 |
| 31. Repair - Transportation Vehicle & Equipment | 0 | 0 | .0000 |
| 32. Sawing & Sealing | 0 | 4 | .0000 |
| 33. Services - Engineering | 0 | 0 | .0000 |
| 34. Services - Environmental | 3 | 14 | 21.4286 |
| 35. Signal System Design | 0 | 0 | .0000 |
| 36. Signs - Permanent Signs | 8 | 43 | 18.6047 |
| 37. Signs - Temporary Signs & Devices | 0 | 19 | .0000 |
| 38. Steel - Reinforcing | 3 | 15 | 20.0000 |
| 39. Steel - Structural | 1 | 9 | 11.1111 |
| 40. Suppliers: Mfg-100% Toward DBE Goal-See Appendix A. Sect S. | 3 | 65 | 4.6154 |
| 41. Surveying | 1 | 32 | 3.1250 |
| 42. Traffic Control - Flagging/Airport Gate Guard | 6 | 56 | 10.7143 |
| 43. Trucking (hauling) | 25 | 240 | 10.4167 |
| Totals: | 137 | 1267 | 10.8129 |

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APPENDIX B – ACTUAL FEDERAL AMOUNT PAID by WORK CLASSIFICATION

**Federal Project Summary
Amount Paid By Work Classification
By Federal Fiscal Year**

| | 2005 | 2006 | 2007 | Three Year |
|---|----------|----------|----------|------------|
| | Federal | Federal | Federal | Average |
| | Projects | Projects | Projects | Relative |
| | Relative | Relative | Relative | Relative |
| | \$ Spent | \$ Spent | \$ Spent | \$ Spent |
| Work Classification Description | % | % | % | % |
| 1. Building - Construction | 0.0000 | 0.2280 | 1.1065 | 0.4448 |
| 2. Building - Demolition | 0.0140 | 0.0000 | 0.0000 | 0.0047 |
| 3. Building - Painting | 0.0000 | 0.0310 | 0.0004 | 0.0105 |
| 4. Concrete - Curb, Gutter, Flatwork, Inlet Boxes, Etc. | 1.7694 | 2.2004 | 3.4315 | 2.4671 |
| 5. Concrete - Structural | 7.8884 | 9.7739 | 1.4454 | 6.3692 |
| 6. Construction - Miscellaneous & Incidental | 5.8640 | 4.6313 | 3.6164 | 4.7039 |
| 7. Construction - Project Management/Quality Control | 2.1907 | 8.5920 | 10.8695 | 7.2174 |
| 8. Consulting Services - Management | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| 9. Consulting Services - Construction | 0.0000 | 0.0000 | 1.3667 | 0.4556 |
| 10. Demolition | 1.1394 | 0.9188 | 0.9207 | 0.9930 |
| 11. Electrical - Lighting, Traffic Signals, Fiber Optics | 2.3627 | 1.5425 | 1.6309 | 1.8454 |
| 12. Excavation | 1.0914 | 4.4324 | 1.7981 | 2.4406 |
| 13. Fencing | 0.3718 | 0.5679 | 0.8067 | 0.5821 |
| 14. General Contractor - Building (B100 License) | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| 15. General Contractor - Engineering (E100 License) | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| 16. Grading | 2.5306 | 1.5350 | 0.2130 | 1.4262 |
| 17. Guardrail/Cable Guardrail | 1.6063 | 2.0756 | 2.0552 | 1.9124 |
| 18. Intelligent Transportation Systems (ITS) | 0.0000 | 0.0000 | 0.0004 | 0.0001 |
| 19. Landscaping & Erosion Control | 2.6851 | 2.3523 | 2.3411 | 2.4595 |
| 20. Mechanical | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| 21. Painting - Highway Striping & Painted Messages | 2.3639 | 2.4692 | 1.3728 | 2.0686 |
| 22. Painting - Highway Structures | 1.5304 | 1.3409 | 0.1091 | 0.9935 |
| 23. Paving - Asphalt, Large Quantity/Hi Tech, Highway, Runway, Etc. | 28.8301 | 26.1975 | 30.9719 | 28.6665 |
| 24. Paving - Concrete | 0.1982 | 2.7509 | 5.7930 | 2.9140 |
| 25. Paving - Miscellaneous | 7.3722 | 4.3034 | 3.5226 | 5.0661 |
| 26. Paving - Rotomilling | 1.5008 | 2.7836 | 1.2868 | 1.8571 |
| 27. Pipe Culverts, Drainage, Sewer & Water | 9.5004 | 6.8825 | 5.9436 | 7.4422 |
| 28. Planning - Transportation | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| 29. Reconstruction | 0.6082 | 0.6260 | 0.5225 | 0.5856 |
| 30. Rental & Sales - Equipment | 0.0528 | 0.0000 | 0.0000 | 0.0176 |
| 31. Repair - Transportation Vehicle & Equipment | 0.0016 | 0.0000 | 0.0000 | 0.0005 |
| 32. Sawing & Sealing | 0.5053 | 0.2691 | 0.0441 | 0.2728 |
| 33. Services - Engineering | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| 34. Services - Environmental | 0.2467 | 0.0209 | 0.1289 | 0.1322 |
| 35. Signal System Design | 0.0000 | 0.0000 | 0.0000 | 0.0000 |
| 36. Signs - Permanent Signs | 1.0581 | 0.2854 | 0.3772 | 0.5736 |
| 37. Signs - Temporary Signs & Devices | 1.1252 | 0.0275 | 0.0419 | 0.3982 |
| 38. Steel - Reinforcing | 2.8992 | 0.9244 | 0.6870 | 1.5035 |
| 39. Steel - Structural | 2.2868 | 2.2606 | 0.6793 | 1.7422 |
| 40. Suppliers: Mfg-100% Toward DBE Goal-See Appendix A. Sect S. | 3.0601 | 0.0662 | 0.1847 | 1.1037 |
| 41. Surveying | 0.2229 | 0.3851 | 0.6892 | 0.4324 |
| 42. Traffic Control - Flagging/Airport Gate Guard | 0.0909 | 2.3862 | 5.9019 | 2.7930 |
| 43. Trucking (hauling) | 7.0325 | 7.1399 | 11.8428 | 8.6717 |
| | 100.0001 | 100.0004 | 101.7018 | 100.5674 |

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APPENDIX C – CURRENT CAPACITY for DBE PERFORMANCE

**Current Capacity for DBE Performance
By Work Classification
For Federal Fiscal Year 2007**

| Work Classification Description | DBE | Average | Normalized | DBE |
|---|--|---|--|---|
| | Relative Availability from 2007 Bidders List % | Federal Project Amount Paid % | Average Federal Project Amount Paid % | Weighted Relative Current Capacity To Perform % |
| 1. Building - Construction | 0.0000 | .4448 | .4423 | .0000 |
| 2. Building - Demolition | 0.0000 | .0047 | .0046 | .0000 |
| 3. Building - Painting | 33.3333 | .0105 | .0104 | .0035 |
| 4. Concrete - Curb, Gutter, Flatwork, Inlet Boxes, Etc. | 17.2414 | 2.4671 | 2.4532 | .4230 |
| 5. Concrete - Structural | 8.5106 | 6.3692 | 6.3333 | .5390 |
| 6. Construction - Miscellaneous & Incidental | 12.8205 | 4.7039 | 4.6774 | .5997 |
| 7. Construction - Project Management/Quality Control | 9.7826 | 7.2174 | 7.1767 | .7021 |
| 8. Consulting Services - Management | 0.0000 | . | .0000 | .0000 |
| 9. Consulting Services - Construction | 0.0000 | .4556 | .4530 | .0000 |
| 10. Demolition | 11.3636 | .993 | .9874 | .1122 |
| 11. Electrical - Lighting, Traffic Signals, Fiber Optics | 16.2162 | 1.8454 | 1.8350 | .2976 |
| 12. Excavation | 6.6667 | 2.4406 | 2.4269 | .1618 |
| 13. Fencing | 13.3333 | .5821 | .5788 | .0772 |
| 14. General Contractor - Building (B100 License) | 0.0000 | . | .0000 | .0000 |
| 15. General Contractor - Engineering (E100 License) | 0.0000 | . | .0000 | .0000 |
| 16. Grading | 0.0000 | 1.4262 | 1.4182 | .0000 |
| 17. Guardrail/Cable Guardrail | 19.4444 | 1.9124 | 1.9016 | .3698 |
| 18. Intelligent Transportation Systems (ITS) | 0.0000 | .0001 | .0001 | .0000 |
| 19. Landscaping & Erosion Control | 8.4507 | 2.4595 | 2.4456 | .2067 |
| 20. Mechanical | 0.0000 | . | .0000 | .0000 |
| 21. Painting - Highway Striping & Painted Messages | 8.6957 | 2.0686 | 2.0570 | .1789 |
| 22. Painting - Highway Structures | 0.0000 | .9935 | .9879 | .0000 |
| 23. Paving - Asphalt, Large Quantity/Hi Tech, Highway, Runway, Etc. | 5.2632 | 28.6665 | 28.5048 | 1.5003 |
| 24. Paving - Concrete | 9.0909 | 2.914 | 2.8976 | .2634 |
| 25. Paving - Miscellaneous | 10.3448 | 5.0661 | 5.0375 | .5211 |
| 26. Paving - Rotomilling | 9.0909 | 1.8571 | 1.8466 | .1679 |
| 27. Pipe Culverts, Drainage, Sewer & Water | 14.1026 | 7.4422 | 7.4002 | 1.0436 |
| 28. Planning - Transportation | 0.0000 | . | .0000 | .0000 |
| 29. Reconstruction | 20.8333 | .5856 | .5823 | .1213 |
| 30. Rental & Sales - Equipment | 0.0000 | .0176 | .0175 | .0000 |
| 31. Repair - Transportation Vehicle & Equipment | 0.0000 | .0005 | .0005 | .0000 |
| 32. Sawing & Sealing | 0.0000 | .2728 | .2713 | .0000 |
| 33. Services - Engineering | 0.0000 | . | .0000 | .0000 |
| 34. Services - Environmental | 21.4286 | .1322 | .1314 | .0282 |
| 35. Signal System Design | 0.0000 | . | .0000 | .0000 |
| 36. Signs - Permanent Signs | 18.6047 | .5736 | .5703 | .1061 |
| 37. Signs - Temporary Signs & Devices | 0.0000 | .3982 | .3960 | .0000 |
| 38. Steel - Reinforcing | 20.0000 | 1.5035 | 1.4950 | .2990 |
| 39. Steel - Structural | 11.1111 | 1.7422 | 1.7324 | .1925 |
| 40. Suppliers: Mfg-100% Toward DBE Goal-See Appendix A. Sect S. | 4.6154 | 1.1037 | 1.0974 | .0507 |
| 41. Surveying | 3.1250 | .4324 | .4300 | .0134 |
| 42. Traffic Control - Flagging/Airport Gate Guard | 10.7143 | 2.793 | 2.7772 | .2976 |
| 43. Trucking (hauling) | 10.4167 | 8.6717 | 8.6228 | .8982 |
| | 10.8129 | 100.5674 | 100.0000 | 9.1744 |